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Office Memorandum~~CONFIDENTIAL~~
~~SECURITY INFORMATION~~UNITED STATES GOVERNMENT
OGC HAS REVIEWED.

TO : Assistant Deputy Director Administration

DATE: 29 May 1952

FROM : General Counsel

SUBJECT: Consultant Type Employees

☒ No Change In Class.
☐ Declassified
 Class. Changed To: TS S C
 Auth.: HR 70-2
 Date: 20 NOV 1978 By: 015

1. Consultants are defined under Civil Service Regulations as employees serving the Government in an advisory capacity only, as distinguished from those who perform the statutory duties and responsibilities of the employing Agency. Consequently, they cannot assume administrative or supervisory responsibilities. They may be employed on a temporary or intermittent basis. Both are common throughout the Government. They may be on a fee basis or on an hourly basis depending on the needs and circumstances. Very generally in this Agency, intermittent consultants are more often on a fee basis as this simplifies vouchering and does not require detailed time and attendance reports. It is, however, quite feasible to put intermittent consultants on a WAE basis requiring reports of actual hours worked. Intermittent consultants are not subject to leave laws and may be paid transportation to and from their homes or places of business, if there is travel to their place of duty, provided that no one period of service exceeds thirty calendar days. A temporary consultant serves for a definite period of time not exceeding one year and serves continually during this period. If he serves for more than thirty calendar days, he is entitled to annual and sick leave and is not entitled to transportation between residence or place of personal business and official headquarters.

2. An expert is an employee performing duties requiring the services of a person exceptionally qualified by education and experience in a particular line to perform a service particularly required to accomplish the statutory provisions of the employing Agency, and who is not generally obtainable under Civil Service laws and regulations. Experts may exercise administrative and supervisory functions. Except for this, intermittent and temporary experts are treated approximately the same as consultants. The temporary category is more common.

3. A covert associate is a person whose services are solicited or volunteered for covert use within the United States to assist CIA in the accomplishment of a given mission or project. He is an independent contractor, not an employee of CIA, and all benefits of whatsoever nature are evidenced by the contract. Consequently, the category of covert associate could cover a multitude of circumstances where employer-employee relationship is not desirable. The term may be long or short, from a day to a period of years. It can be continuous service, intermittent when the need arises, or intermittent on a regularly recurring basis. Payment may be by way of salary based on hourly rates, lump sum annual compensation or fees. The nature of the precise arrangement can normally be readily ascertained by the Covert Contracting Officer or, in case of doubt, by review by the Office of General Counsel.

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LAWRENCE R. HOUSTON

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